

**10/17/2005 Alec Kotopoulos Volume II**

VOL. II

PAGES 178-314

EXHIBITS 1-8

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 04-11522-WGY

STEVEN R. KINCAID

)

)

Plaintiff,

)

)

vs

)

)

BANK OF AMERICA

)

CORPORATION,

)

)

Defendant.

)

CONTINUED VIDEOTAPED DEPOSITION OF  
ALEC KOTOPOULOS, taken on behalf of the plaintiff,  
pursuant to the applicable provisions of the  
Massachusetts Rules of Civil Procedure, before  
Patricia L. Henneberry a Certified Shorthand  
Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, at The Law Office  
of David J. Fine 3 Center Plaza, Boston,  
Massachusetts, on Monday, October 17, 2005  
commencing at 11:08 a.m.

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APPEARANCES:

Law Office of David J. Fine, (by David J. Fine, Esq.), 3 Center Plaza, Suite 400, Boston, Massachusetts, 02108, for the plaintiff.

Edwards & Angell, LLP, (by Siobhan M. Sweeney, Esq.), 101 Federal Street, Boston, Massachusetts, 02110, for the defendant.

ALSO PRESENT: National Video Reporters, Inc., (Adam Cook, Legal Video Specialist), 58 Batterymarch Street, Suite 243, Boston, Massachusetts, 02110.

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1 Q. Okay. And did you get a bonus for 2003?

2 A. That would have been paid when, in February  
3 of 2004?

4 Q. My understanding is yes.

5 A. No.

6 Q. All right. I think there's something in  
7 here that may cast light on this, and I don't want  
8 to be unfair to you. So why don't we go to that  
9 part of the personnel file.

10 If you look at -- go to the page  
11 that's Bates marked Bank of America 919.

12 A. Yes.

13 Q. Okay. And this is the document that's  
14 headed General Release and Separation Agreement --

15 A. Yes, I see that.

16 Q. -- do you see that?

17 A. Yes.

18 Q. And then if you could just turn initially  
19 to --

20 A. You've jogged my memory. Okay. That's  
21 fair.

22 Q. Okay. Before we get back to that, if you  
23 could just look to Bank of America Page 925.

24 A. Yes.

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1 Q. Is that your signature?

2 A. That is.

3 Q. And if you look at the next page, does your  
4 signature appear on the next page as well?

5 A. Yes.

6 Q. All right. Now, going back to bank of  
7 America Page 920 --

8 A. Yes.

9 Q. -- is there a reference to a bonus payment?

10 A. Yes.

11 Q. Okay. And what is --

12 A. \$75,000.

13 Q. Okay. And does that accord with your  
14 recollection?

15 A. That does, yes.

16 Q. Okay. And do you recall what percentage of  
17 your salary that bonus payment was?

18 A. I believe at that time my base was 175. So  
19 if you cut that by 75,000 and do the math, what do  
20 we have --

21 Q. Okay. So --

22 A. -- 40 odd percent.

23 Q. Okay. All right. Now, turning to the first  
24 page of this document, Bank of America 919 --

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1 A. Yes.

2 Q. -- okay, the first numbered paragraph says,  
3 and let me quote it for the record and then I have  
4 some questions.

5 "In consideration of the promises I  
6 have made herein, I voluntarily tender and Bank  
7 hereby accepts the mutual consent resignation of  
8 my employment effective February 5, 2004;" do you  
9 see that?

10 A. I do.

11 Q. Okay. How did it come about that you  
12 resigned your employment with the bank?

13 A. I'm not sure I understand the question.

14 Q. Okay. Let me break it down. Were you asked  
15 to resign?

16 A. Yes.

17 Q. Okay. Who asked you to resign?

18 A. Mr. Marino.

19 Q. And what position did Mr. Marino have at the  
20 bank?

21 A. Human Resources.

22 Q. Okay. When did he ask you to resign?

23 A. It would have been right around the time  
24 that this letter is dated.

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1 Q. Okay. When Mr. Marino asked you to resign,  
2 did he do that orally?

3 A. Yes.

4 Q. Was anybody else present?

5 A. Yes.

6 Q. Who else was present?

7 A. A lady. I think she was a paralegal.

8 Q. Okay. And where did this take place that  
9 you were asked to resign?

10 A. I believe it was his office.

11 Q. Okay. Did he ask you to come to his office?

12 A. He did indeed.

13 Q. Did he tell you why he was asking you to  
14 come to his office?

15 A. No, he did not.

16 Q. Okay. What did he say when you got to his  
17 office?

18 A. I'm sorry, what did he say?

19 Q. Yes.

20 A. God's honest truth is I have blanked out  
21 anything from back then from my complete memory on  
22 purpose.

23 Q. Okay. And --

24 A. It was a very brief conversation.

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1 Q. Okay. You say that you purposely blanked  
2 things out from your memory?

3 A. Yes.

4 Q. Is there a reason why you purposely did  
5 that?

6 A. I don't like to orient towards the past.

7 Q. Okay. You do remember that in that  
8 conversation Mr. Marino asked you to resign?

9 A. Yes.

10 Q. Did you agree to resign in that meeting?

11 A. No, I did not.

12 Q. Okay. Do you remember anything that you  
13 said in response to his requesting you to resign?

14 A. I remember pieces. I can't -- I can  
15 paraphrase. I can't give you exact language in  
16 all fairness.

17 Q. Okay. Please do your best to paraphrase  
18 what was said.

19 A. You know a couple of bullet points would be,  
20 I work incredibly hard here.

21 Q. This is what you're saying?

22 A. Alec, yes, personally.

23 And then I remember telling him that I  
24 wanted a night to sleep on this.

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1 Q. Okay. Do you remember anything else that  
2 you said?

3 A. No. Honestly.

4 Q. Did you ask Mr. Marino why you were being  
5 asked to resign?

6 A. The conversation never went there. It was  
7 very brief.

8 Q. Okay.

9 A. I felt Mr. Marino was very -- I thought he  
10 was trying to intimidate me. I don't deal well  
11 with intimidation.

12 Q. Okay. And what about Mr. Marino's conduct  
13 suggested to you that he was trying to intimidate  
14 you?

15 A. When he asked me to come to his office, he  
16 called me on my cell phone which is standard.  
17 We're running around from meeting to meeting and  
18 whatever else.

19 The way he talked to me was as though  
20 I were his two-year-old son which I found very  
21 unprofessional and didn't appreciate essentially  
22 ordering me to come to his office. That was the  
23 first thing.

24 And then just his -- and I'm not a



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1 little person. Just his physical attitude to me  
2 appeared to be someone who was trying to  
3 intimidate another person.

4 Q. What is Mr. Marino like physically; is he a  
5 big man?

6 A. He's probably a little smaller than I. I'm  
7 six-one, 210, 215 pounds.

8 Q. Okay. When you came into -- was this his  
9 office?

10 A. I believe it was his -- it was definitely an  
11 office that he was sitting behind a table -- a  
12 desk I mean.

13 Q. Okay. Did he ask you to sit down?

14 A. He did.

15 Q. The other person who was in the room, was  
16 this a person that was known to you?

17 A. I've never met her in my life before.

18 Q. Was she identified by name to you?

19 A. She was.

20 Q. But you don't recall her name?

21 A. I honestly don't, no.

22 Q. Okay. Prior to this meeting where you were  
23 being asked to resign, had you received a  
24 performance review at the bank?

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1 A. I don't believe I did. I don't believe  
2 Vipin Mayar sat me down, he was my boss, M-A-Y-A-R  
3 V-I-P-I-N.

4 I don't believe he sat me down at the  
5 end of the year to have a performance review. I  
6 don't recall that.

7 Q. Okay. From the time that you started at the  
8 bank on September 30, 2002 to this meeting in  
9 early 2004 where you were asked to resign, did you  
10 ever have a performance review in that period?

11 A. I did.

12 Q. Okay. And when did you have a performance  
13 review?

14 A. I certainly had one at the end of my first  
15 quarter, so that would have been -- when did I  
16 start, 2002?

17 Q. Yes.

18 A. Okay. So the end of 2002 somewhere near the  
19 holiday period, Christmas holiday period. Then I  
20 had another performance review somewhere into  
21 2003, and I honestly do not recall exactly when.

22 Q. Okay. The performance review that you got  
23 at the end of 2002, who gave that to you?

24 A. Vipin Mayar.

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1 Q. Okay. Was there anything in writing in  
2 connection with that review?

3 A. I don't recall. I don't recall.

4 Q. Okay. With regard to the performance review  
5 that you got in 2003, was there anything in  
6 writing in connection with that performance  
7 review?

8 A. Yes. Because we, meaning the employee or  
9 subordinate in this case, if you will, had to fill  
10 out a form similar to what you showed me back in  
11 Charlotte --

12 Q. Yes.

13 A. -- with Mr. Kincaid. And that was to be  
14 reviewed by your superior or your supervisor or  
15 boss.

16 Q. Okay. And your boss at that time was also  
17 Vipin Mayar?

18 A. Correct.

19 Q. Okay. Do you recall reviewing the writing  
20 that you had prepared with him?

21 A. I know that I sent the information to him.  
22 Whether or not he actually sat down with me and  
23 went over it, I don't recall that. I don't recall  
24 that.

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1 Q. Okay. With regard to the performance review  
2 that you got at the end of 2002, did you regard it  
3 as a positive performance review?

4 A. I was on top of the world.

5 Q. Okay.

6 A. And the bonus reflected that. It was a very  
7 high pro rata bonus for someone who walked in and  
8 was working three months.

9 Q. Okay. And did you get any feedback by way  
10 of a performance review in 2003?

11 A. Yes.

12 Q. And how did you get that feedback?

13 A. I can remember Vipin Mayar saying to me, it  
14 might have been late spring, early summer, things  
15 like you've done a phenomenal job. Where do you  
16 get your magic?

17 Can you help some of your peers,  
18 meaning his other three direct -- I think he had  
19 four direct reports to him. I forget.

20 Can you help your magic rub off on  
21 them?

22 Ask the question again because there  
23 was one other thing. I don't want to go off.

24 Q. Right. I was asking about did you get

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1 positive feedback.

2 A. Necessarily from Vipin or --

3 Q. Vipin or anyone else.

4 A. I can also tell you that in parts of the  
5 organization that my group, if you will, was  
6 charged with, impacted in a positive way because  
7 we were essentially an internal consult. They are  
8 a service organization. I knew I was in very high  
9 regard with a couple of folks.

10 Q. And by "a couple of folks," who do you mean?

11 A. Percy Simpson, who ran the -- what was his  
12 title? Very high up. Consumer Segment I think it  
13 was called back then.

14 Q. Was there another person as well?

15 A. Yes. I think Elizabeth Chambers as well,  
16 Libby.

17 I think I was in high regard, as were  
18 my group, with those two individuals who probably  
19 comprised, you know, certainly the lion's share of  
20 the work we were charged with.

21 Q. What was Elizabeth Chambers' position at the  
22 bank?

23 A. She was head of Enterprise Marketing.

24 Q. And you said Percy Simpson was the head of

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1 the Consumer Segment?

2 A. Consumer Segment, yes.

3 Q. Okay. Did either Elizabeth Chambers or  
4 Percy Simpson ever give you positive feedback in  
5 writing?

6 A. No.

7 Q. Okay. Going back to this meeting that you  
8 had with Mr. Marino --

9 A. Yes.

10 Q. -- did he raise his voice to you?

11 A. Yes. Again a form of intimidation.

12 Q. Okay. Other than raising his voice and  
13 telling you in a peremptory way to come to his  
14 office, can you point to anything else that you  
15 perceived as intimidating on his part?

16 A. His body language.

17 Q. And what about his body language?

18 A. I'm not a psychologist, but normally when  
19 you engage in a conversation with another human  
20 being, particularly on a professional level, you  
21 talk as though you and I are talking right now.

22 We may not be friends. We may have  
23 opposing positions, but we have this tone of  
24 voice. We have -- I'm sitting back, but you

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1 certainly may have this body language.

2 I felt his body language was very  
3 excited, excitable, and very -- I'm not saying the  
4 gentleman was going to do anything physically, of  
5 course not or hopefully not, but he was just not  
6 -- it was not a professional body language.

7 It's hard to explain. It is almost  
8 like you have to see the tape or the movie.

9 Q. Okay. Prior to being called by Mr. Marino  
10 to his office so to speak, had you received any  
11 suggestion from Vipin Mayar or anybody else that  
12 this might be coming that you might be asked to  
13 resign?

14 A. No. Absolutely positively not.

15 Q. Okay. Did you say to Mr. Marino when he  
16 asked you to resign, did you refer to Vipin Mayar  
17 and Percy Simpson or Elizabeth Chambers and the  
18 positive feedback they had given you?

19 A. I recall saying I work very hard in this  
20 organization. My people have done a great job,  
21 and I just shut up after that. I just had had  
22 enough.

23 Q. Okay. Did the woman who was also present in  
24 the meeting, did she say anything?

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1 A. No, she did not.

2 Q. Okay. Have you now told us everything that  
3 you remember about that meeting?

4 A. She had a laptop and started to take notes.

5 Q. Okay. Was that one of the things that was  
6 intimidating?

7 A. Absolutely.

8 Q. Okay. Do you remember anything else about  
9 the meeting?

10 A. Let me jog my memory.

11 Oh, I do remember -- I believe, yes.

12 Marino made some type of, I don't know if the  
13 right word is compensatory, but a financial offer  
14 to me, and I said that was not what I expected my  
15 bonus to be.

16 He stepped out of his office. Told me  
17 he had to make a call I believe to Mr. Mayar.  
18 Came back within five, seven minutes and came up  
19 with a different number.

20 Q. Okay.

21 A. And the number was this number here, this  
22 75,000.

23 Q. Okay. And did he say anything about weeks  
24 of severance that you were going to be given?



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1 A. He talked about being paid out for my, you  
2 know, vacation time and all that standard stuff.  
3 And I think this is No. 3 here, right?

4 Q. Yes, No. 3 refers to six weeks?

5 A. Correct.

6 Q. Was that something that Mr. Marino mentioned  
7 in that meeting?

8 A. Yes. And I asked him about health care, and  
9 I believe he said three months. And I know my  
10 reaction was negative. Professional but negative.

11 I'm not ignoring you. I'm thinking.

12 That's what I recall.

13 Q. Okay. All right. Was there any reference  
14 to the possibility of your hiring a lawyer in that  
15 meeting?

16 A. I'm sorry, the possibility of my hiring a  
17 lawyer?

18 Q. Yes.

19 A. Meaning did he say anything about that?

20 Q. Did he say or did you say?

21 A. I didn't say anything and I don't remember  
22 him saying anything to that effect.

23 Q. Okay. Following that meeting, did you talk  
24 to anybody about what had occurred?

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1 A. Absolutely.

2 Q. Who did you speak to?

3 A. I called my wife.

4 Q. Okay. Other than your wife, did you speak  
5 to anybody else?

6 A. I called a lawyer.

7 Q. Okay. Without revealing what you said to  
8 the lawyer or what the lawyer said to you, can you  
9 tell me the name of the lawyer that you contacted?

10 THE WITNESS: Is that something I  
11 should do?

12 MS. SWEENEY: I can't advise you.

13 A. Isn't that private between the lawyer and I  
14 just like with the position?

15 Q. Obviously you need to make your own decision  
16 about this. But since I'm not asking you and will  
17 not ask you anything about what you said to the  
18 lawyer or the lawyer said to you, I'm just asking  
19 for the name of the lawyer. I do not think that  
20 that encroaches on a privilege.

21 A. I'd rather not.

22 Q. Okay. You spoke to a lawyer?

23 A. Yes.

24 Q. Did you speak to Vipin Mayar?

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1 A. No.

2 Q. Did you speak to anybody at the bank about  
3 what had occurred?

4 A. No. Because I went home and I did not come  
5 back.

6 Q. You never came back to the bank?

7 A. Nope.

8 Q. Okay. Now, you see that if you go to page  
9 Bank of America 925, your signature is dated  
10 February 8, 2004; do you see that?

11 A. Correct.

12 Q. How much time elapsed between the date of  
13 the meeting that you've described and February 8,  
14 2004 when you signed this agreement?

15 A. I can't tell you exactly cause I can't  
16 remember, but I will tell you that it was -- it  
17 was a relatively short amount of time.

18 Q. Okay. And was the bank applying any time  
19 pressure on you to get this done?

20 A. Oh, indeed.

21 Q. And how were they doing that?

22 A. They basically said you have X days to sign  
23 this thing.

24 Q. Okay.

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1 A. Isn't there a clause in here that says  
2 that -- from what I remember. Wasn't there some,  
3 you know, X period of time?

4 Q. Well, I don't know if this is what you're  
5 referring to, Mr. Kotopoulos, but --

6 A. Right here.

7 Q. What --

8 A. No. 2, Time to sign a return agreement.

9 Q. Ah, all right. This is on BA 9/19?

10 A. 21 days.

11 Q. Okay. Paragraph 2 recites that you first  
12 received the original of this agreement on or  
13 before February 5, 2004; do you recall how much  
14 time elapsed between the time of the meeting you  
15 described and the time that you got this document  
16 to review or your lawyer got this document to  
17 review?

18 A. It wasn't long. It was a matter of days.

19 Q. Okay. Did anybody ever tell you why the  
20 bank wanted you to resign and to resign so  
21 quickly?

22 A. No.

23 Q. Did you have any idea at the time as to why  
24 you were being asked to resign?

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1 A. Yes.

2 Q. What was the idea that you had?

3 A. My estimation at that point in time was that  
4 I was becoming the fall guy for Vipin Mayar and  
5 HR.

6 Q. You said the fall guy for Vipin Mayar and  
7 HR?

8 A. Correct. Human Resources.

9 Q. Okay. And the fall guy in what sense?

10 A. They needed to blame somebody within the  
11 CAMR organization and the associated HR personnel  
12 people who were attached to it for personnel  
13 problems.

14 Q. What personnel problems?

15 A. My understanding was as a senior manager  
16 that certain actions were being taken against the  
17 bank by CAMR employees, some of whom were with the  
18 bank, some of whom were not with the bank at that  
19 time.

20 Q. Did you finish your --

21 A. I did.

22 Q. Okay. You said these people were taking  
23 certain actions against the bank, what actions?

24 A. My assumption was, you know, making noise

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1 and complaints about discharge or -- discharge in  
2 some cases and in other cases unsatisfactory  
3 performance reviews.

4 Q. Okay. And when you say making noise and  
5 complaints, do you mean among other things filing  
6 charges with the EEOC?

7 A. I never saw anything officially nor was that  
8 mentioned to me. I do know however that in an  
9 organization that large, I think we had 120, 130,  
10 people, there are avenues for rumor that run  
11 around not unlike in any organization that size or  
12 even bigger.

13 And there was strong word that people  
14 were seeking or had sought legal representation.

15 Q. Okay. Can you identify by name any of the  
16 people that you're talking about?

17 A. I saw a memo, which to this day I would say  
18 it was purposely left in a place where people  
19 could see it or whoever put it there wanted it to  
20 be seen if you will.

21 It was typed up by an employee that  
22 made many comments. And I'm not a lawyer, but  
23 many points, if you will, and comments about times  
24 when that individual felt they were not properly

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1 treated. And also a lot of energy, if you will,  
2 and angst towards not being promoted and ideas as  
3 to why.

4 Mr. Mayar's name was listed  
5 innumerable times. My name was definitely  
6 mentioned, but maybe once or twice. And there was  
7 a third -- a second peer of mine, John Kuntz,  
8 K-U-N-T-Z, his name was mentioned as well.

9 Q. Okay. Have you finished?

10 A. I'm done.

11 Q. Okay. All right. So this memo that was  
12 left in a place where people could see it  
13 complained about three people, Vipin Mayar  
14 primarily?

15 A. Predominantly.

16 Q. Predominantly.

17 A. John Kuntz secondarily and Alec on a very  
18 tertiary, you know, small basis.

19 Q. Okay. What was the name of the employee who  
20 left?

21 A. Erin McCarthy, female, E-R-I-N.

22 Q. Okay. And in this memo, was she complaining  
23 in effect about gender discrimination?

24 A. Yes. That it was difficult for females

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1 within that department, CAMR, to get promoted and  
2 have positions of -- status is the wrong word --  
3 but senior positions.

4 Q. Did Miss McCarthy complain in words or  
5 substance about sexual harassment?

6 A. That I don't remember. Honestly. I will  
7 tell you that I wouldn't rule it out because I  
8 remember it being at least three pages, maybe  
9 four.

10 Q. Okay. And the claims of -- the possible  
11 claims of sexual harassment, were they made  
12 against --

13 MS. SWEENEY: Objection.

14 MR. FINE: Pardon?

15 MS. SWEENEY: Go ahead and finish the  
16 question.

17 MR. FINE: All right. Let me rephrase  
18 it.

19 Q. You said that you wouldn't rule out the  
20 possibility of claims of sexual harassment having  
21 been made in this memo, correct?

22 A. That's correct.

23 Q. Okay. What's the basis for your saying that  
24 you wouldn't rule that out?



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1 A. Because I vaguely -- I remember the memo  
2 being long, first. I remember there being  
3 multiple, multiple angles leading up to -- let me  
4 do it differently. And I'm not trying to retract.  
5 I'm trying to give you a more succinct opinion.

6 The memo to me appeared as though  
7 somebody was trying to prove a point, and to prove  
8 that point there were multiple kind of ways to  
9 prove the same point.

10 The same point being, women were not  
11 afforded similar opportunities within the group,  
12 CAMR.

13 This particular individual felt  
14 discriminated upon I think. So I believe, and  
15 again this is a few years ago, I believe the  
16 person used different angles or ways to get at  
17 that issue.

18 Q. Did you ever have in your possession a copy  
19 of this memo?

20 A. I had it the day I saw it on the  
21 whatchamacallit. I think it was on a Xerox  
22 machine, and I think I put it in my desk.

23 Q. Did you ever give a copy of that memo to  
24 your lawyer?

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1 A. No.

2 Q. What happened to the copy of the memo that  
3 was in your desk?

4 A. Your guess is as good as mine.

5 Q. You didn't take it with you when you left  
6 the bank?

7 A. I did. I did. I had it in my briefcase. I  
8 did. I did take it with me.

9 Q. Do you still have a copy of it today?

10 A. No. I've thrown everything away.

11 Q. Do you recall when you threw this memo away?

12 A. A year ago or something maybe.

13 Q. Was there something that caused you to throw  
14 it away at that time?

15 A. Life moved on.

16 Q. How much before the date that you were  
17 called into Mr. Marino's office did you see this  
18 memo?

19 A. I don't know. I mean, it wasn't weeks. It  
20 was probably, you know, a fair amount of time  
21 prior to that.

22 Q. Was it close enough in time to the meeting  
23 that you knew that that memo must be one of the  
24 reasons why you were being asked to resign?

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1 A. A memo like that does not escape your memory  
2 while you're an employee of an organization in a  
3 senior position. So I think irrespective of time,  
4 and I don't mean to be rude, you know, that's  
5 almost timeless because it's serious.

6 Q. Did Mr. Marino make any reference to this  
7 memo --

8 A. No.

9 Q. -- in the meeting with you?

10 A. He did not.

11 Q. Is John Kuntz still employed by the bank?

12 A. He is.

13 Q. Is Vipin Mayar still employed by the bank?

14 A. No.

15 Q. To the best of your knowledge and belief,  
16 did the memo have anything to do with Vipin  
17 Mayar's leaving the bank?

18 A. I would assume absolutely.

19 Q. Okay. And why do you assume that?

20 A. Because the memo again had a lot of comments  
21 about him. And once the merger happened with  
22 Fleet Bank, when announcements came out about  
23 where people were going to land, if you will,  
24 Vipin Mayar was not on the chart. Twice.

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1           There were two. There were two  
2 actually. The first memo that said, you know,  
3 here's the big, big, big picture, no mention of  
4 Vipin. And he's a pretty senior guy.

5           And then there was a more scaled down  
6 kind of underneath the big house schematic, and  
7 again no mention of Vipin Mayar.

8       Q.    Okay. What you were just referring to was  
9 organizational charts?

10     A.    No. A memo coming from I believe the head  
11 of marketing for the organization, Cathy Bessant,  
12 B-E-S-S-A-N-T.

13     Q.    All right. And the big memo that you  
14 referred to, when did that come out?

15     A.    Well, I think the merger announcement was  
16 made somewhere around Thanksgiving of -- what  
17 would have that been, two thousand and --

18     Q.    Four perhaps?

19     A.    Yes. So somewhere around Thanksgiving. And  
20 then the second memo would have been right into  
21 the new year, early in the new year from what I  
22 remember.

23     Q.    All right. And these memos essentially  
24 indicated that Vipin Mayar was not in the bank's

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1 future plans?

2 A. Well, no, no, no. These memos were  
3 distributed to all. And essentially they said,  
4 Here's the new structure of the organization going  
5 forward.

6 We still have more -- "we," meaning  
7 Human Resources, have more work to do to fill in  
8 some blanks underneath, but for the medastructure,  
9 if you will, the, you know, the grand structure of  
10 the organization, the building blocks were filled  
11 in and his name was not on one.

12 Therefore, one would very easily  
13 assume that something happened.

14 Q. Okay. Now, when these memos came out you  
15 were no longer employed by the bank yourself,  
16 correct?

17 A. No. I was with the bank, yes.

18 I mean, one was around Thanksgiving.  
19 I was there when the merger was announced. It was  
20 right after the merger. Weeks I think. And then  
21 the second memo. I was definitely there for the  
22 second memo as well.

23 Q. All right. So the way that you interpreted  
24 these memos the handwriting was on the wall for